

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON**

CRIMINAL MINUTES

Case No.: CR 07-01 HA

Date: July 28, 2010

Case Title: US v Boskovic

Presiding Judge: ANCER L. HAGGERTY

Courtroom Deputy: n/a

Reporter: n/a

Tape No:

DOCKET ENTRY:

ORDER by Judge Ancer L. Haggerty resolving motions in anticipation of the Pretrial Conference set for 7/29/2010 at 9:00 AM. Defendant's Motion to Dismiss the Superseding Indictment Because the Statute of Limitations Expired [22] is DENIED in light of the Ninth Circuit's holding in *United States of America v. Krstic*, 558 F.3d 1010 1018-19 (9th Cir. 2009). Defendant's Motion to Suppress Alleged Statements [25] is DENIED because this court finds that during both interviews defendant was not in custody, *United States v. Hayden*, 260 F.3d 1062, 1066 (9th Cir. 2001), and that the statements made by defendant were voluntary under both "refined objective" and objective totality of the circumstances standards. *United States v. Beraun-Panez*, 812 F.2d 578, 581 as amended, 830 F.2d 127 (9th Cir. 1987); *Beaty v. Stewart*, 303 F.3d 975, 992 (9th Cir. 2002). The court so rules after concluding that the circumstances of the two interviews were not overly coercive and defendant's will was not overborne. Defendant is free to seek a jury instruction regarding the weight that should be given to his alleged statements. Defendants Motion to Dismiss The Superseding Indictment Due To Ambiguity [24] is DENIED. The terms "foreign military service" and "military service" are not fundamentally ambiguous and do not warrant dismissal of the charges against defendant. Rather issues surrounding whether defendant's affiliation with the Zvornik Brigade and the Army of the Republika Srpska constitute military service and whether he believed his affiliation constituted military service are issues that can be resolved by a jury. The court will hear oral argument on remaining issues and motions in limine during the hearing set for 7/29/2010 at 9:00 AM. The court will not provide counsel with draft jury instructions or a draft verdict form until the trial has commenced.
